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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Federal National Mortgage Association,
10 Plaintiff,

No. CV-12-02416-PHX-GMS

ORDER

11 v.

12 Tiffany Traut, et al.,
13 Defendants.

14 Pending before the Court is Plaintiff's Motion to Remand this State Court Action.
15 (Doc. 4.) For the reasons discussed below, Plaintiff's motion is granted.

16 **DISCUSSION**

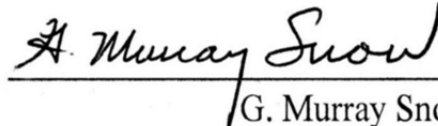
17 Plaintiff filed a Complaint for a forcible entry and detainer action based on
18 Arizona Revised Statutes ("A.R.S.") § 12-1171 with the Arizona Superior Court in
19 Maricopa County on October 21, 2011. Defendant first attempted to remove this standard
20 eviction action to this District on May 22, 2012. The action was remanded to state court
21 for lack of subject matter jurisdiction. *Fed. Nat. Mortgage Assoc. v. Traut*, CV-12-1088-
22 BSB, slip op. at 3 (D. Ariz. July 11, 2012). The court held that Defendant's federal
23 defense based on due process did not transform the state-law claim into one "arising
24 under" federal law for purposes of federal question jurisdiction. *Id.* at 2. Furthermore,
25 there was no diversity jurisdiction because Defendant, who had moved for removal, was
26 a citizen of the forum state and the amount in controversy did not exceed \$75,000. *Id.*

27 On November 13, 2012, Defendant filed a second and identical Notice of Removal
28 to this District. The Court remands this action to state court pursuant to 28 U.S.C. § 1447

1 for the same reasons as described in the previous Order.

2 **IT IS THEREFORE ORDERED** that Plaintiff's Motion to Remand this State
3 Court Action is **granted** (Doc. 4). The Clerk of Court is directed to remand this action
4 back to the Maricopa County Superior Court.

5 Dated this 29th day of January, 2013.

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9 G. Murray Snow
10 United States District Judge
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